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**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION**

JOSEPH E. LEICHTNAM

Plaintiff,

VS.

AMERICAN ZURICH INSURANCE  
COMPANY, ZURICH AMERICAN  
INSURANCE COMPANY, AND ZURICH  
NORTH AMERICA

Defendants.

Case No. 5:15-cv-05012-JLV

**ZURICH'S MOTION FOR LEAVE  
TO FILE AN AMENDED ANSWER  
AND AFFIRMATIVE DEFENSES**

Defendants, American Zurich Insurance Company (“AZIC”) and Zurich American Insurance Company (“ZAIC”), move for this Court to enter an order granting them leave to file an Amended Answer and Affirmative Defenses to Plaintiff’s Complaint, and deem the amendment filed as of the date of this Motion for Leave. The grounds for this Motion are stated in the accompanying brief. A copy of the proposed Amended Answer and Affirmative Defenses is attached hereto as **Exhibit 1** with proposed amendments highlighted pursuant to D.S.D. Civ. LR 15.1.

AZIC is the legal entity that issued the workers' compensation liability policy at issue in Plaintiff's Complaint and ZAIC performed certain administrative functions in connection to Plaintiff's claim for workers' compensation benefits, such that they are proper party defendants to respond to Plaintiff's Complaint. "Zurich North America" is merely a trade style used by ZAIC and its affiliates. Thus, "Zurich North America" is not a legal entity or a proper party. However, if and to the extent that the Court might consider "Zurich North America" to be a proper party to respond to Plaintiff's Complaint, then this Motion should be deemed filed on behalf of "Zurich North America," as well.



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## EXHIBIT 6

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**WHEREFORE**, Defendants respectfully request that this Court grant this Motion along with any other further relief that this Court deems just and appropriate under the circumstances.

Dated: September 7, 2018

GUNDERSON, PALMER, NELSON, &  
ASHMORE, LLP

By: /s/ J. Crisman Palmer  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on September 7, 2018, I caused the above pleading to be electronically filed with the Clerk of the Court through the CM/ECF system with an electronic copy to be sent to all counsel of record.

/s/ J. Crisman Palmer

J. Crisman Palmer